

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE: GOOGLE, INC. SHAREHOLDER
DERIVATIVE LITIGATION

No. C 11-4248 PJH

**ORDER RE STIPULATION REGARDING
PROCEEDINGS ON REVIEW OF
SETTLEMENT**

On August 7, 2014, the parties in the above-captioned case filed a stipulation regarding proceedings on review of settlement. The parties note that they have filed a motion for preliminary settlement approval, and request that the court either enter preliminary approval or schedule a hearing date on the motion. The parties also withdraw all pending motions in this case and in City of Orlando v. Page (Case No. 13-2038), including the defendants' motion to dismiss the second amended complaint in this case. To the extent that the stipulation seeks the foregoing relief, the stipulation is GRANTED. After the court has reviewed the papers, the motion will be granted without a hearing, or a hearing will be scheduled.

The court is not entirely clear what the parties intend by the language that the pending motions "together with all papers submitted in support or in opposition thereto are hereby withdrawn *ab initio*, and that any materials filed under seal in connection with such motions, as well as the documents filed by Defendants with the Court *in camera* on February 24, 2014, shall be returned by the Clerk of the Court to the party that submitted such materials."

With regard to the first clause pertaining to papers submitted in support and in opposition to the motions, the court understands that the motions are withdrawn, but does

1 not understand what is intended by withdrawal of the papers. The motion papers filed
2 electronically on the public docket will remain on the public docket and the court will recycle
3 the paper chambers copies.

4 As to the sealed documents filed on the court's ECF system, those documents are
5 not capable of being "returned" to the parties. However, access to the documents is
6 restricted on ECF, and the public will have access only to the redacted versions, if any,
7 subject to the time limits imposed by Civil Local Rule 79-5(g). The paper chambers copies
8 of sealed documents will be "disposed of in accordance with the assigned judge's
9 discretion," as provided by Civil Local Rule 79-5(d)(2). The rule states that, "[o]rdinarily,
10 these copies will be recycled, not shredded, unless special arrangements are made."
11 However, the court will construe the parties' request to return the documents as a request
12 for such "special arrangements," and will shred the paper chambers copies of the materials
13 which were already sealed or for which the parties requested sealing orders.

14 Those documents submitted by defendants for *in camera* review on February 24,
15 2014, will not be returned by the Clerk, but will be made available for pickup by defendants,
16 to be arranged through the courtroom deputy.

17 **IT IS SO ORDERED.**

18 Dated: August 15, 2014



PHYLLIS J. HAMILTON
United States District Judge